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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/665,772 | 09/19/2003 | Shuji Inoue | 9432-000237 | 6372 |
| 27572 7590 05/01/2008 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303 | | | | |
| EXAMINER | | | | |
| PARK, JEONG S | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2154 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 05/01/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/665,772

Applicant(s)

INOUE ET AL.

Examiner

JEONG S. PARK

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 and 42 is/are rejected.
- 7) ☒ Claim(s) 40 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/4/2008 has been entered.

Allowable Subject Matter

2. Claims 40 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and the correction of any objectionable matter.

Claim Objections

3. Claims 1-42 are objected to because of the following informalities:

In claim 1, line 12, the phrase "the founds devices" should be corrected as --the found devices-- for clear understanding of the claim. Similar correction should be made for claim 26; and

In claim 1, line 15, the phrase "load characteristics" should be corrected as --the load characteristics-- for clear understanding of the claim. Similar correction should be made for claims 26 and 27.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 8-29 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ewert et al. (hereinafter Ewert)(U.S. Patent Pub. No. 2001/0034586 A1), and further in view of Bakke et al. (hereinafter Bakke)(U.S. Patent No. 6,330,621 B1).

Regarding claims 1 and 27, Ewert discloses as follows:

a resource manager or a method for a security system network (a system for monitoring a property and controlling electrical devices located at the property via a network, see, e.g., page 1, paragraph [0004], lines 1-3) comprising;

one or more devices for collecting (I/O devices for collecting data, reference character 12 in figure 1) and/or managing data (controller for managing the data, reference character 10 in figure 1) from an environment (see, e.g., page 1, paragraph [0018]);

one or more users (user, reference character 22 in figure 1) that submit operation requests for the data (see, e.g., page 1, paragraph [0017]);

a controller (controller, reference character 10 in figure 1) that receives at least one of the operation requests (controller adapted to receive a request from the network, see, e.g., page 1, paragraph [0004]); and

a controller forwarding requests from the user to I/O hardware which means the I/O hardware has been allocated upon the requests (see, e.g., page 2, paragraph [0031]).

Ewert does not disclose the resource manager used in the security system network.

Bakke discloses as follows:

an intelligent data storage manager uses weighted values that are assigned to each of the presently defined logical devices to produce a best fit solution to the requested policies (see, e.g., col. 2, lines 32-36);

a flow information service storing in a computer readable medium descriptions of media flows in one or more networks (policy requirements for storing a user data object, see, e.g., col. 3, lines 26-31), including source device and network destination device and network, media flow type, and required bandwidth, wherein these information are inherently exchanged during any data communications (policy attributes, see, e.g., col. 3, line 56 to col. 4, line 34 and table 1);

a controller (data storage manger 110 in figure 1 and/or logical device manager 104 in figure 1) that receives operation requests (the data storage manager is responsive to one of the host processors initiating a data write operation, see, e.g., col. 4, lines 36-40);

finds available and capable devices appropriate for an operation specified by a received operation request (the logical device manager 104 in figure 1 allocates a logical device based upon policies for storing the user data object, see, e.g., col. 3, lines

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10-14) and forms a set of candidates (existing physical and/or logical device, see, e.g., col. 3, lines 26-32) therefrom, wherein each candidate contains one or more of the found devices based on the received operation request (interpreted as the policy requirement), a description of a media flow (policy requirements) specified in the operation request (the logic device manager allocates or creates a logical device based upon policies for storing the user data object, see, e.g., col. 3, lines 10-14), and load characteristics (data storage characteristics) of the one or more devices, assigns a score (weighted values) to the one or more devices by using information from load characteristics of the one or more devices and networks in a networked surveillance system, descriptions of current media flows (policy requirements) stored by said flow information services, and dynamically configurable user preferences (user requirements are managed by users), and allocates the one or more devices for the requested operation by selecting the one or more devices from a list of the candidates ranked according to the scores (see, e.g., col. 3, lines 32-50).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Ewert with Bakke in order to manage and allocate devices on the security system using the well-known resource manager taught by Bakke.

Regarding claims 2, Ewert discloses that the controller generates allocation requests that attempt to allocate the operation requests to the devices in response to the operation requests (controller forward requests from the user to I/O hardware which means the I/O hardware has been allocated to the requests, see, e.g., page 2, paragraph [0031]).

Regarding claim 8, Ewert discloses that the devices include a camera that collects multimedia data (I/O devices including digital or analog camera to monitor current images, see, e.g., page 2, paragraph [0018]).

Regarding claim 9, Ewert discloses that the camera streams the multimedia data in one or more media formats (GRABD, reference character 30 in figure 2, converts the image to a standard format such as JPEG, see, e.g., page 2, paragraph [0029]).

Regarding claim 10, Ewert discloses that the resource manager comprising a multimedia recorder (data storage device, reference character 14 in figure 1) that records the multimedia data (data storage device stores information from I/O devices, see, e.g., page 1, paragraph [0018], lines 1-8).

Regarding claim 11, Ewert discloses that the multimedia recorder plays the multimedia data in response to the operation requests (the user can monitor recorded information from the data storage device, see, e.g., page 1, paragraph [0018], lines 14-20).

Regarding claim 12, Ewert discloses that the resource manager comprising an analyzer server (GRABD, IFXD, CONTROL components, reference characters 30, 34, 32 respectively in figure 2, working as an analyzer server) that collects meta-data (list of files) from the multimedia data (IFXD responds with a list of files which is collected from the stored image data, see, e.g., page 3, paragraph [0037]).

Regarding claim 13, Ewert discloses that the analyzer server collects the meta-data (indication of the image resolution) directly from the camera (GRABD captures

images from one or more cameras indicating the desired resolution of the images, see, e.g., page 2, paragraph [0029]).

Regarding claim 14, Ewert discloses that the analyzer server collects the meta-data from the multimedia recorder (IFXD responds with a list of files stored in the data storage device, see, e.g., page 3, paragraph [0037]).

Regarding claim 15, Ewert discloses that a meta-data server (data storage device, reference character 50 in figure 2) that stores the meta-data (reason for doing so is interpreted as a meta-data)(IFXD capture an image from a particular camera and a reason for doing so and stores in the data storage device, see, e.g., page 3, paragraph [0033], lines 14-22).

Regarding claim 16, Ewert discloses that the operation requests include searching the meta-data server (data storage device) for meta-data (requests can be sent to IFXD for image that satisfy various criteria such as times, reasons, channels, and the like, wherein the image is stored at the data storage device, see, e.g., page 3, paragraph [0034]).

Regarding claim 17, Ewert discloses that the operation requests include:
record requests (in response to the request IFXD captures images and save them to a data storage, see, e.g., page 3, paragraph [0034]);

analysis requests (requests can be sent to IFXD for image that satisfy various criteria such as times, reasons, channels, and the like, see, e.g., page 3, paragraph [0034]);

play requests (user to view in real time the current status including audio and video surveillance, see, e.g., page 1, paragraph [0005], lines 4-7); and

search requests (provide a list of files that satisfies the request, see, e.g., page 3, paragraph [0037], lines 5-10).

Regarding claim 18, Ewert discloses that the record requests include at least one of a source camera identifier, a media recording format, a recording purpose, and a duration of recording (requests can be sent to IFXD for image that satisfy various criteria such as times, reasons, channels, and the like, see, e.g., page 3, paragraph [0034]).

Regarding claim 19, Ewert discloses that the analysis request includes a source camera identifier (requested camera) and a duration (a single or a sequence of frame) of analysis (GRABD captures an image from the requested camera and the image may be a single frame or a sequence of frame taken at a particular interval, see, e.g., page 3, paragraph [0038], lines 1-8).

Regarding claims 20 and 21, Ewert discloses that the analysis and play requests include an identity and a location of a multimedia file (request for images can be directly sent to GRABD for current images from the cameras or sent to IFXD for stored images from the data storage device, see, e.g., page 3, paragraph [0037]).

Regarding claim 22, Ewert discloses that the resource manager comprising an Internet gateway server (HTTPD component, reference character 38 in figure 2) that connects the users to the security system network (HTTPD is run in response to user

requests via a network using a web browser, see, e.g., page 3, paragraph [0036], lines 1-5 and figure 1).

Regarding claims 23 and 28, Ewert discloses that the controller generates a schedule for the requests based on the load characteristics (requests may be made at any periodic interval in order to create a desired storage history such as once per second, once per minute, once per hour or any other increment, see, e.g., page 3, paragraph [0042], lines 6-9).

Regarding claims 24 and 29, Ewert discloses that the controller prioritizes the operation requests (multiple requests are formulated in the appropriate manner and forwarded to other components of the system, see, e.g., page 3, paragraph [0036]).

Regarding claim 25, Ewert discloses that the operation requests are generated by one of a user (see, e.g., page 1, paragraph [0017]), an alarm (detection of an event may trigger a request for an image to be taken by a camera, see, e.g., page 3, paragraph [0040], lines 8-11), and a scheduled event (requests may be made at any periodic interval in order to create a desired storage history, see, e.g., page 3, paragraph [0042], lines 6-9).

Regarding claim 26, Ewert discloses that a resource manager for a security system network comprising:

- a camera that collects multimedia data (I/O devices including digital or analog camera to monitor current images, see, e.g., page 2, paragraph [0018]);

- a multimedia recorder that stores the multimedia data (data storage device stores information from I/O devices, see, e.g., page 1, paragraph [0018], lines 1-8);

an analyzer that extracts meta-data (list of files) from the multimedia data (IFXD responds with a list of files which is collected from the stored image data, see, e.g., page 3, paragraph [0037]);

one or more users that submit operation requests for the data (see, e.g., page 1, paragraph [0017]); and

Ewert does not disclose the resource manager used in the security system network.

Bakke discloses as follows:

an intelligent data storage manager uses weighted values that are assigned to each of the presently defined logical devices to produce a best fit solution to the requested policies (see, e.g., col. 2, lines 32-36);

a flow information service storing in a computer readable medium descriptions of media flows in one or more networks (policy requirements for storing a user data object, see, e.g., col. 3, lines 26-31), including source device and network destination device and network, media flow type, and required bandwidth, wherein these information are inherently exchanged during any data communications (policy attributes, see, e.g., col. 3, line 56 to col. 4, line 34 and table 1);

a controller (data storage manager 110 in figure 1 and/or logical device manager 104 in figure 1) that receives operation requests (the data storage manager is responsive to one of the host processors initiating a data write operation, see, e.g., col. 4, lines 36-40);

finds available and capable devices appropriate for an operation specified by a received operation request (the logical device manager 104 in figure 1 allocates a logical device based upon policies for storing the user data object, see, e.g., col. 3, lines 10-14) and forms a set of candidates (existing physical and/or logical device, see, e.g., col. 3, lines 26-32) therefrom, wherein each candidate contains one or more of the found devices based on the received operation request (interpreted as the policy requirement), a description of a media flow (policy requirements) specified in the operation request (the logic device manager allocates or creates a logical device based upon policies for storing the user data object, see, e.g., col. 3, lines 10-14), and load characteristics (data storage characteristics) of the one or more devices, assigns a score (weighted values) to the one or more devices by using information from load characteristics of the one or more devices and networks in a networked surveillance system, descriptions of current media flows (policy requirements) stored by said flow information services, and dynamically configurable user preferences (user requirements are managed by users), and allocates the one or more devices for the requested operation by selecting the one or more devices from a list of the candidates ranked according to the scores (see, e.g., col. 3, lines 32-50).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Ewert with Bakke in order to manage and allocate devices on the security system using the well-known resource manager taught by Bakke.

Regarding claim 42, Ewert discloses as follows:

wherein said resource manager is a multi-user (receiving multiple requests in parallel via a Internet using a web browser, see, e.g., page 3, paragraph [0036]) application level variable rate security video media stream (capturing images at the desired resolution from each of the connected cameras, see, e.g., page 2, paragraph [0029]) application system resource manager that controls grouping of security devices (I/O devices 12 in figure 1, see, e.g., page 2, paragraph [0018]) according to the user preferences of multiple users (user can monitor current statuses or images directly from the data storage on the user preferences, see, e.g., page 2, paragraph [0018]) to support security application flows from cameras to:

storage devices (14 in figure 1, see, e.g., page 2, paragraph [0018]);

image processing analyzers (IFXD 34 in figure 2 manages images files on the data storage including purging images that satisfy aging or other criteria, see, e.g., page 3, paragraph [0034]); and

displays in a distributed network in which the multiple users (transmits the images to the requestor in step 68 in figure 3, see, e.g., page 3, paragraph [0038] via a Internet using a web browser, see, e.g., page 3, paragraph [0036]):

monitor multiple displays (receiving multiple requests in parallel via a Internet using a web browser, see, e.g., page 3, paragraph [0036] and users can monitor current statuses or images from the I/O devices, see, e.g., page 2, paragraph [0018]);

use multiple analyzers filtering the variable rate stream (IFXD 34 in figure 2 manages images files on the data storage including purging images that satisfy aging or other criteria, see, e.g., page 3, paragraph [0034]); and

use storage devices to store the variable rate security video stream (storage device 14 in figure 1 stores information from I/O devices, see, e.g., page 2, paragraph [0018]).

6. Claims 3-7 and 30-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ewert et al. (hereinafter Ewert)(U.S. Patent Pub. No. 2001/0034586 A1) and Bakke et al. (hereinafter Bakke)(U.S. Patent No. 6,330,621 B1) as applied to claims 1, 2 and 8-29 above, and further in view of Nozaki (U.S. Patent No. 6,128,644).

Regarding claims 3, 4, 7 and 33-35, Ewert discloses as follows:

the controller generates the load characteristics (controller receives unsolicited messages which provides status updates on the functions of various I/O hardware, see, e.g., page 2, paragraph [0032]).

Ewert does not disclose the detail content of the load characteristics in the graphical representation form.

Nozaki disclose as follows:

a load distribution system, a server status management (reference character 5a in figure 1) obtains the amount of processing of each server collected by the server status notification (reference characters 3a, 4a in figure 1) to manage a load status of each server (see, e.g., abstract and figure 1); and

a server status management table (reference character 123a in figure 6) includes representative DNS, individual DNS (location of the devices), load (current media flow of the devices), ratio, and status (availability of the devices)(see, e.g., col. 9, line 56 to col. 10, line 18).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Ewert to include a graphical representation of the load status of each server as taught by Atkins in order to present efficiently and clearly the information to users.

Regarding claims 5 and 6, Ewert discloses all the limitations of claim as explained above except for the media flow data including a source identifier, a media format, a media bandwidth requirement, a multi-cast address, and a service identifier

Nozaki disclose that there is stored load or packets per unit time being processed by a corresponding server having an individual DNS name (see, e.g., col. 10, lines 3-6).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Ewert to include the media flow data information as taught by Atkins in order to present efficiently and clearly the information to users.

Regarding claims 30-32, Ewert discloses all the limitations of claim as explained above except for disclosing the detail steps.

Nozaki disclose as follows:

determining a set of candidate devices (list individual DNS names of respective servers integrated into, see, e.g., col. 9, line 66 to col. 10, line 3);

assigning scores (relative amount of processing) to each candidate device in the set, and communicating with the candidate devices according to the scores (see, e.g., col. 10 lines 25-45).

calculating the scores according to a current load, a location on the network, and existing media flows (the relative amount of processing is obtained by dividing the "load"

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value" by the "ratio" value, see, e.g., col. 10 lines 25-45); and

determining availability of the candidate devices ("status" shows the operating status of each respective server, see, e.g., col. 10 lines 15-18).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Ewert to include the detail steps of determining candidate devices as taught by Atkins in order to communicate with the reliable devices.

Regarding claims 36 and 37, Ewert discloses all the limitations of claim as explained above except for determining costs of allocating the network resources and storing the costs in a matrix.

Nozaki disclose that determining costs of allocating the network resources (the relative amount of processing is obtained by dividing the "load" value" by the "ratio" value and makes the determination to send the request to the more efficient server, see, e.g., col. 10 lines 25-45).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Ewert to include determining costs of allocating network resources as taught by Atkins in order to communicate with the reliable and cost-efficient network resources.

Regarding claims 38 and 39, Ewert discloses all the limitations of claim as explained above except for generating a set of rules and allocating the network resources according to the set of rules.

Nozaki disclose that generating a set of rules (sending to the lower relative amount of processing) and allocating the network resources according to the set of

rules (calculating the relative amount of processing and allocating to the lower relative amount of processing server, see, e.g., col. 10 lines 25-45).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Ewert to include determining a set of rule for allocating as taught by Atkins in order to communicate systematically and reliably based on the network environment.

Response to Arguments

7. Applicant's arguments filed 2/8/2008, with respect to claims 1-39 and 42 have been considered but are moot in view of the new ground(s) of rejection.

A. Summary of Applicant's Arguments

In the remarks, the applicant argues as follows:

1) Nozaki does not teach the concept of each server's actual experienced load due to the operation on devices of surveillance system;

2) Nozaki does not teach the concept of flow information; and

3) Bakke does not teach the notion of media flow.

B. Response to Arguments:

In response to argument 1), the limitation is taught by Bakke not by Nozaki (see, e.g., col. 4, lines 35-40);

In response to argument 2), the flow information is taught by Bakke (policy requirements for storing a user data object, see, e.g., col. 3, lines 26-31); and

In response to argument 3), the media flow is taught by Bakke (interpreted as policy attributes, see, e.g., col. 3, line 56 to col. 4, line 34 and table 1).

Claims are to be given their broadest reasonable interpretation during prosecution, and the scope of a claim cannot be narrowed by reading disclosed limitations into the claim. See In re Morris, 127 F.3d 1048, 1054, 44 USPQ2D 1023, 1027 (Fed. Cir. 1997); In re Zletz, 893 F.2d 319, 321, 13 USPQ2D 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404, 162 USPQ 541,550 (CCPA 1969). In addition, the law of anticipation does not require that a reference "teach" what an appellant's disclosure teaches. Assuming that reference is properly "prior art," it is only necessary that the claims "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781,789 (Fed. Cir. 1983).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEONG S. PARK whose telephone number is (571)270-1597. The examiner can normally be reached on Monday through Friday 7:00 - 3:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S. P./
Examiner, Art Unit 2154

April 28, 2008

/Joseph E. Avellino/
Primary Examiner, Art Unit 2146